

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
 :
 vs. : No. 4:04-CR-270
 :
 WILLIAM HEISER : (Judge Muir)

ORDER

August 11, 2005

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On August 12, 2004, a two-count Indictment was returned by a Grand Jury sitting in the Middle District of Pennsylvania charging William Heiser with sexual exploitation of children in violation of 18 U.S.C. § 2251(b) (Count 1) and knowingly receiving and distributing child pornography in violation of 18 U.S.C. § 2252A and § 2256(8)(B). The Government specifically alleges that Heiser "being the parent, legal guardian, and person having custody and control of a minor did unlawfully and knowingly permit such person to engage in sexually explicit conduct . . . for the purposes of producing visual depictions - digital images, computer images, and computer generated images - of such conduct . . ." and "unlawfully and knowingly receive[d] and distribute[d] material that . . . contain[ed] child pornography" The case is presently on our October, 2005, trial list.

On August 9, 2005, Heiser filed two ex parte and under seal motions (Docs. 51 and 52). We are not convinced that one of the motions (Doc. 51) should have been filed ex parte. We will deny the motion without prejudice.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

Heiser's ex parte and under seal motion (Doc. 51) is denied without prejudice.

s/Malcolm Muir

MUIR, U.S. District Judge

MM:gs